

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2007-0195-MWD-E **TCEQ ID:** RN101920924 **CASE NO.:** 32606**RESPONDENT NAME:** City of Eden

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Municipal wastewater treatment system, approximately two-thirds of a mile east of United States Highway 83, two-thirds of a mile south of United States Highway 87, immediately north of Harden Branch, Eden, Concho County</p> <p>TYPE OF OPERATION: Municipal wastewater treatment system</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: No complaints were received. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 18, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Lynley Doyen, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-1364; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: The Honorable Charlie Rodgers, Jr., Mayor, City of Eden, Post Office Box 915, Eden, Texas 76837-0915 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: December 29, 2006</p> <p>Date of NOE Relating to this Case: January 31, 2007 (NOE)</p> <p>Background Facts: This was a routine record review. Three violations were documented.</p> <p>WATER</p> <p>1) Failed to comply with the permitted effluent limitations [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010081001, Final Effluent Limitations and Monitoring Requirements No.1].</p> <p>2) Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2006. Specifically, the City submitted the annual sludge report on February 12, 2007 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010081001, Sludge Provisions].</p> <p>3) Failed to report the value for maximum single grab concentration for ammonia nitrogen on the Discharge Monitoring Report ("DMR") for the monitoring period ending June 30, 2006 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010081001, Monitoring and Reporting Requirements No. 1].</p>	<p>Total Assessed: \$8,544</p> <p>Total Deferred: \$1,708 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$6,836</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that on February 12, 2007, the City submitted the annual sludge report for the monitoring period ending July 31, 2006 and a complete DMR for June 2006.</p> <p>Ordering Provisions:</p> <p>2) It is further ordered that within 180 days after the effective date of this Agreed Order, the City shall submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010081001.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES	Assigned	5-Feb-2007	Screening	9-Feb-2007	EPA Due	
	PCW	16-Mar-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Eden		
Reg. Ent. Ref. No.	RN101920924		
Facility/Site Region	8-San Angelo	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	32606	No. of Violations	3
Docket No.	2007-0195-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Lynley Doyen
Multi-Media		EC's Team	EnforcementTeam 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$3,200

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 185% Enhancement **Subtotals 2, 3, & 7** \$5,920

Notes The penalty is enhanced because the Respondent self-reported 28 months of effluent violations, received five NOV's with violations same or similar to those cited in this action, and received one agreed enforcement order containing a denial of liability.

Culpability No 0% Enhancement **Subtotal 4** \$0

Notes Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction **Subtotal 5** \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts \$3,038 **0% Enhancement*** **Subtotal 6** \$0
Approx. Cost of Compliance \$20,125 ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$9,120

OTHER FACTORS AS JUSTICE MAY REQUIRE -6% **Adjustment** -\$576

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes Recommend reduction in the penalty so that monthly self-reported effluent violations do not overly-impact the penalty amount and to prevent double-enhancement for same violations that were self-reported.

Final Penalty Amount \$8,544

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$8,544

DEFERRAL 20% Reduction **Adjustment** -\$1,708

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY \$6,836

Screening Date 9-Feb-2007

Docket No. 2007-0195-MWD-E

PCW

Respondent City of Eden

Policy Revision 2 (September 2002)

Case ID No. 32606

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101920924

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	33	165%
	Other written NOV's	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 185%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty is enhanced because the Respondent self-reported 28 months of effluent violations, received five NOV's with violations same or similar to those cited in this action, and received one agreed enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 185%

Screening Date 9-Feb-2007

Docket No. 2007-0195-MWD-E

PCW

Respondent City of Eden

Policy Revision 2 (September 2002)

Case ID No. 32606

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101920924

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010081001, Final Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with the permitted effluent limitations, as shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate NH₃-N and CBOD to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

212 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,000

Three quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,034

Violation Final Penalty Total \$8,010

This violation Final Assessed Penalty (adjusted for limits) \$8,010

Economic Benefit Worksheet

Respondent City of Eden
Case ID No. 32606
Reg. Ent. Reference No. RN101920924
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$20,000	31-Oct-2005	31-Dec-2007	2.2	\$144	\$2,889	\$3,034
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated engineering and construction costs to expand the Facility. Date Required is the first month of noncompliance. Final Date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$3,034

Screening Date 9-Feb-2007

Docket No. 2007-0195-MWD-E

PCW

Respondent City of Eden

Policy Revision 2 (September 2002)

Case ID No. 32606

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101920924

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0010081001, Sludge Provisions

Violation Description Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2006. Specifically, the City submitted the annual sludge report on February 12, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70% of the permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

164 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$267

This violation Final Assessed Penalty (adjusted for limits) \$267

Economic Benefit Worksheet

Respondent: City of Eden
Case ID No.: 32606
Reg. Ent. Reference No.: RN101920924
Media: Water Quality
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$100	1-Sep-2006	12-Feb-2007	0.4	\$0	\$3	\$3
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit the annual sludge report. Date Required is the date the report was due. Final Date is the date the report was submitted.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$3

Screening Date 9-Feb-2007

Docket No. 2007-0195-MWD-E

PCW

Respondent City of Eden

Policy Revision 2 (September 2002)

Case ID No. 32606

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101920924

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0010081001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to report the value for maximum single grab concentration for ammonia nitrogen on the discharge monitoring report ("DMR") for the monitoring period ending June 30, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

At least 70% of the permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

207 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$267

This violation Final Assessed Penalty (adjusted for limits) \$267

Economic Benefit Worksheet

Respondent City of Eden
Case ID No. 32606
Reg. Ent. Reference No. RN101920924
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$25	20-Jul-2006	12-Feb-2007	0.6	\$0	\$1	\$1
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit a complete DMR. Date required is the date the DMR was due. Final date is the date a complete DMR was submitted.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$1

EFFLUENT VIOLATION TABLE				
City of Eden				
TPDES Permit No. WQ001008001				
Docket No. 2007-0195-MWD-E				
Months	NH3-N daily avg. loading	NH3-N daily avg. conc.	NH3-N max. single grab	CBOD daily avg. conc.
	Limit = 13 lbs/day	Limit = 7 mg/L	Limit = 15 mg/L	Limit = 30 mg/L
10/31/2005	c	8.9	c	c
11/30/2005	18.6	12.0	c	c
12/31/2005	36.1	18.2	19.7	c
1/31/2006	27	18	22	c
2/28/2006	13.2	9.20	c	37
3/31/2006	c	c	c	32
9/30/2006	16.23	7.58	c	c

avg. = average

c = compliant

CBOD = carbonaceous biochemical
oxygen demand

conc. = concentration

lbs/day = pounds per day

max. = maximum

mg/L milligrams per liter

NH3-N = ammonia nitrogen

Compliance History

Customer/Respondent/Owner-Operator:	CN600738595	City Of Eden	Classification: AVERAGE	Rating: 2.89
Regulated Entity:	RN101920924	CITY OF EDEN	Classification: AVERAGE	Site Rating: 2.77
ID Number(s):	WASTEWATER WASTEWATER WASTEWATER WASTEWATER LICENSING	PERMIT PERMIT PERMIT LICENSE	WQ0010081001 TPDES0079804 TX0079804 WQ0010081001	
Location:	LOCATED APPRX 2/3 M E OF US HWY 83, 2/3 M S OF US HWY 87, AND IMMEDIATELY N OF HARDEN BRANCH, EDEN, CONCHO CO, TX			Rating Date: 9/1/2006 Repeat Violator: NO
TCEQ Region:	REGION 08 - SAN ANGELO			
Date Compliance History Prepared:	February 07, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 07, 2002 to February 07, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name: Lynley Doyen	Phone: 512-239-1364			

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 08/29/2003

ADMINORDER 2002-1166-MWD-E

Classification: Moderate

Citation: TWC Chapter 26 26.121

Rqmt Prov: Not specified PERMIT

Description: Failure to comply with the permit limit for Total Ammonia Nitrogen (mg/l), flow, TSS, and BOD5 at Outfall 001A.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 07/17/2003 (315398)
2 12/15/2004 (386560)
3 08/14/2003 (315399)
4 01/12/2005 (386561)
5 09/25/2003 (315400)
6 11/03/2003 (315401)
7 11/21/2003 (315402)
8 12/17/2003 (315403)
9 01/20/2004 (315404)
10 02/10/2006 (476294)
11 03/13/2006 (476295)
12 11/30/2006 (515597)
13 10/24/2005 (476296)
14 02/13/2004 (257210)
15 11/10/2005 (476297)
16 02/22/2005 (349355)
17 12/19/2005 (476298)
18 02/14/2002 (205442)
19 01/20/2006 (476299)
20 03/03/2003 (205443)
21 03/13/2002 (205445)
22 03/17/2003 (205446)
23 04/19/2002 (205448)
24 09/26/2006 (514017)
25 07/20/2005 (445165)
26 05/16/2002 (205451)

27 08/02/2005 (445166)
 28 09/29/2005 (445167)
 29 01/16/2007 (536433)
 30 12/18/2002 (19410)
 31 02/22/2005 (424394)
 32 07/12/2002 (205454)
 33 05/13/2005 (424395)
 34 07/12/2002 (205456)
 35 08/16/2002 (205459)
 36 01/31/2007 (535512)
 37 05/20/2004 (360438)
 38 09/23/2002 (205462)
 39 06/15/2004 (360439)
 40 08/19/2004 (360440)
 41 09/13/2004 (360441)
 42 10/12/2004 (360442)
 43 10/18/2002 (205465)
 44 11/18/2002 (205468)
 45 12/30/2002 (205471)
 46 02/03/2003 (205474)
 47 04/19/2006 (503410)
 48 05/11/2006 (503411)
 49 06/15/2006 (503412)
 50 06/10/2002 (IE0008475002001)
 51 02/27/2006 (452822)
 52 02/20/2004 (315392)
 53 03/10/2004 (315393)
 54 07/06/2006 (525787)
 55 05/01/2003 (315394)
 56 08/15/2006 (525788)
 57 09/20/2006 (525789)
 58 04/15/2004 (315395)
 59 03/14/2005 (386558)
 60 05/20/2003 (315396)
 61 11/16/2004 (386559)
 62 06/23/2003 (315397)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 05/31/2003 (315397)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2004 (386559)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2004 (386560)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2003 (315399)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2004 (386561)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/27/2006 (452822)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT PPII.1.

Description: Failure to comply with permit limits for the parameter of flow.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT PPII.1.

Description: Failure to comply with permit limits for the parameters of five-day carbonaceous biochemical oxygen demand (CBOD5), and ammonia -nitrogen (NH3-N).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 317 317.4(c)
Description: Failure to provide a means to monitor and record influent flow to the plant.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT PPV.12
Description: Failure to submit the results of annual soil monitoring during September 2005.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT PPIV.5
Description: Failure to ensure the automatic flow meter is providing accurate results.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT PPIV.7.d
Description: Failure to submit the correct information in a discharge monitoring report (DMR) form.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT PPIV.7.c
Description: Failure to submit noncompliance notifications when effluent noncompliances deviate from the effluent limitation by at least 40%.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT PPIV.1
Description: Failure to submit discharge monitoring report (DMR) forms for sludge.

Date: 12/08/2006 (533537)

Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121[G]
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT PPV.2.g
Description: Failure to prevent an unauthorized discharge of sewage from the collection system at a location not permitted as an outfall.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)(A)
Rqmt Prov: PERMIT PPIV.7
Description: Failure to notify the Region Office of an unauthorized discharge from the collection system.

Date: 01/31/2006 (476294)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2006 (476295)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2005 (476297)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (476298)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2005 (445165)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2005 (476299)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2003 (205443)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2002 (205445)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2005 (445166)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2003 (205446)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/22/2005 (349355)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT PPII.1.

Description: Failure to comply with permit limits for the parameter of flow.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT PPII.1.

Description: Failure to comply with permit limits for the parameters of five-day carbonaceous biochemical oxygen demand (CBOD5), and ammonia -nitrogen (NH3-N).

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)

Description: Failure to monitor dissolved oxygen (DO) at the required frequency.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to maintain a record of calibration for the dissolved oxygen meter.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT PPVIII.11.

Description: Failure to provide equipment for the purpose of determining the application rates of effluent applied as irrigation water.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT PPVIII.11.

Description: Failure to maintain adequate records of the volume of effluent applied as irrigation water.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT PPVIII.12.

Description: Failure to submit the result of soil sample analyses.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 317 317.6[G]

Description: Failure to provide adequate housing and equipment for chlorine when using chlorine gas to re-chlorinate effluent used for irrigation.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 317 317.4(c)

Description: Failure to provide a means to monitor and record influent flow to the plant.

Date: 02/13/2004 (257210)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT PPII.1. and 3.

Description: Failure to comply with permit limits for five-day carbonaceous biochemical oxygen demand (CBOD5), total suspended solids (TSS), and pH.

Date: 03/31/2002 (205448)

Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 01/31/2005 (424394)

Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 08/31/2005 (445167)

Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 04/30/2005 (424395)

Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 04/30/2004 (360438)

Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 11/30/2006 (515597)

Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT PPII.1.
Description: Failure to comply with permit limits for the parameter of flow.

Classification: Moderate

Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT PPII.1.
Description: Failure to comply with permit limits for the parameters of five-day carbonaceous biochemical oxygen demand (CBOD5), and ammonia -nitrogen (NH3-N).

Classification: Moderate

Self Report? NO
Citation: 30 TAC Chapter 317 317.4(a)(8)
Description: Failure to have an annual check done of the backflow prevention device and be able to provide a copy of the report when requested.

Classification: Moderate

Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
Description: Failure to complete and submit Discharge Monitoring Report (DMR) forms for sludge production and use.

Classification: Moderate

Self Report? NO
Citation: 30 TAC Chapter 317 317.3[G]
Description: Failure to install an audio alarm system (horn) on the lift stations at the wastewater treatment plant.

Classification: Minor

Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT PPIV.3.a
Description: Failure to use accurate flow data that is representative of the monitored activity.

Classification: Minor

Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT PPV.12
Description: Failure to conduct annual soil monitoring of the irrigation site.

Classification: Moderate

Date: 03/31/2006 (503410)

Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 01/31/2004 (315392)

Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Classification: Moderate

Date: 02/29/2004 (315393)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2003 (315394)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2004 (315395)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2005 (386558)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2003 (315396)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2006

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF EDEN
RN101920924**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0195-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Eden ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a municipal wastewater treatment system located approximately two-thirds of a mile east of United States Highway 83, two-thirds of a mile south of United States Highway 87, and immediately north of Harden Branch in Eden, Concho County, Texas (the "Facility").
2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about February 5, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eight Thousand Five Hundred Forty-Four Dollars (\$8,544) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The City has paid Six Thousand Eight Hundred Thirty-Six Dollars (\$6,836) of the administrative penalty and One Thousand Seven Hundred Eight Dollars (\$1,708) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on February 12, 2007, the City submitted the annual sludge report for the monitoring period ending July 31, 2006 and a complete discharge monitoring report ("DMR") for June 2006.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010081001, Final Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on December 29, 2006 and shown in the following table:

EFFLUENT VIOLATION TABLE					
Months	NH3-N daily avg. loading	NH3-N daily avg. conc.	NH3-N max. single grab	CBOD daily avg. conc.	
	Limit = 13 lbs/day	Limit = 7 mg/L	Limit = 15 mg/L	Limit = 30 mg/L	
10/31/2005	c	8.9	c	c	
11/30/2005	18.6	12.0	c	c	
12/31/2005	36.1	18.2	19.7	c	
1/31/2006	27	18	22	c	
2/28/2006	13.2	9.20	c	37	
3/31/2006	c	c	c	32	
9/30/2006	16.23	7.58	c	c	

avg. = average

c = compliant

CBOD = carbonaceous biochemical
oxygen demand

conc. = concentration

lbs/day = pounds per day

max. = maximum

mg/L milligrams per liter

NH3-N = ammonia nitrogen

- Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2006, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010081001, Sludge Provisions, as documented during a record review conducted on December 29, 2006. Specifically, the City submitted the annual sludge report on February 12, 2007; and
- Failed to report the value for maximum single grab concentration for ammonia nitrogen on the DMR for the monitoring period ending June 30, 2006, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010081001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on December 29, 2006.

III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

- It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Eden, Docket No. 2007-0195-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that within 180 days after the effective date of this Agreed Order, the City shall submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010081001. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with this Ordering Provision. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
San Angelo Regional Office
Texas Commission on Environmental Quality
622 South Oakes, Suite K
San Angelo, Texas 76903-7013

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

the first of these is the fact that the system is not a simple one, but a complex one, involving many different factors, and the second is the fact that the system is not a static one, but a dynamic one, involving many different factors.

The first of these is the fact that the system is not a simple one, but a complex one, involving many different factors, and the second is the fact that the system is not a static one, but a dynamic one, involving many different factors.

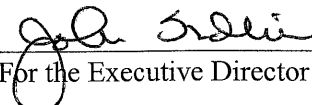
The first of these is the fact that the system is not a simple one, but a complex one, involving many different factors, and the second is the fact that the system is not a static one, but a dynamic one, involving many different factors.

The first of these is the fact that the system is not a simple one, but a complex one, involving many different factors, and the second is the fact that the system is not a static one, but a dynamic one, involving many different factors.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

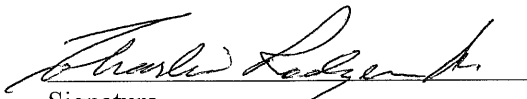
7/17/2007
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

April 10, 2007
Date

Charlie Rodgers, Jr.
Name (Printed or typed)
Authorized Representative of
City of Eden

Mayor
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

